

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Paula Kay Dailey,)	
)	
Plaintiff,)	Civil Action No. 1:14-263-RMG
)	
vs.)	
)	
Nancy A. Berryhill, Acting Commissioner of Social Security Administration,)	
)	ORDER
Defendant.)	
)	
)	

This matter comes before the Court on Plaintiff's motion for approval of attorney's fees under 42 U.S.C. § 406(b). (Dkt. No. 32). Plaintiff seeks approval of an attorney's fee for his services on behalf of Plaintiff in federal court in the amount of \$7,298.25, which represents 25% of the total back award obtained on behalf of Plaintiff. (*Id.*). Plaintiff's contract with his counsel provides for a 25% contingency fee. (Dkt. No. 32-2). The Defendant has advised the Court that she supports approval of the attorney fee request of Plaintiff, but correctly notes that upon receipt of the fee award under § 406(b), Plaintiff's counsel is obligated to pay to her client the amount previously awarded by the Court under EAJA. (Dkt. No. 34).

The Court has reviewed the Plaintiff's motion in light of the standards set forth in *Grisbrecht v. Barnhart*, 535 U.S. 789, 808 (2002). The Court finds that pursuant to the *Grisbrecht* standards the proposed fee is reasonable and grants the Plaintiff's motion to approve the fee in the amount of \$7,298.25. Upon receipt of this award, Plaintiff's counsel is directed to reimburse to Plaintiff \$4,400.00 previously awarded under EAJA. (Dkt. No. 31).

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Gergel', written over a horizontal line.

Richard Mark Gergel
United States District Judge

September 26, 2017
Charleston, South Carolina